

MEMORANDUM

Date: June 25, 2003

To: All counsel and parties appearing before Judge Arthur I. Harris

From: Judge Arthur I. Harris

Re: Attendance of Witnesses - Fed. R. Bankr. P. 9014(e)

Rule 9014(e) of the Federal Rules of Bankruptcy Procedure became effective on December 1, 2002. It provides:

- (e) *Attendance of witnesses.* The court shall provide procedures that enable parties to ascertain at a reasonable time before any scheduled hearing whether the hearing will be an evidentiary hearing at which witnesses may testify.

The Advisory Committee Note indicates that the purpose of this new provision is "to require that the court provide a mechanism that will enable attorneys to know at a reasonable time before a scheduled hearing whether it will be necessary for witnesses to appear in court on that particular date."

Accordingly, the court hereby announces the following procedures regarding the attendance of witnesses at scheduled hearings.

1. It is the custom of this court to delay any evidentiary hearing on disputed factual issues until some time after the initial hearing date. Therefore, unless the court specifically orders *an evidentiary hearing or trial*, or issues an order *for the debtor to appear and show cause for failure to appear at a 341 examination*, counsel need not bring witnesses to a scheduled court appearance.
2. If counsel have any questions regarding whether witnesses are required for any particular hearing date, they should contact Judge Harris's Courtroom Deputy, Stephanie Zelman, at (216) 522-4373, ext. 3015.